LEGISLATION IN ILLINOIS

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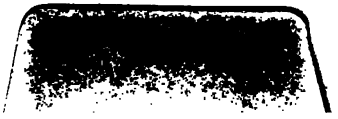

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SOCIAL LEGISLATION IN ILLINOIS

NEEDS AND OPPORTUNITIES IN 1921

By
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PREFACE

The survey of social legislation here presented was undertaken in connection with a course in that subject offered at Rockford College during the current year. As the subtitle of this volume indicates, it has special reference to the 1921 session of the Illinois Legislature, and aims to interpret needs and opportunities in the field of social legislation which that and subsequent sessions of the Legislature might well consider.

This survey makes no pretence of being a comprehensive treatment of problems in the field indicated, nor an exhaustive analysis of the problems actually considered. For only those problems were selected for treatment whose consideration seemed especially urgent at this time, while the treatment itself is descriptive and explanatory in character rather than technical and detailed.

The method employed is perhaps a little unusual. Instead of collecting elaborate and detailed data on the problems dealt with, data already accessible were utilized in the definition and diagnosis of these problems. It is believed that results have been secured by this method which are quite reliable, and which are sufficiently exact to supply guidance to a practical treatment of the problems under consideration. The method exemplified is commended to the consideration of sociologists and social workers elsewhere who feel the need for a

definition of problems in their communities, but who find that the more expensive and elaborate survey of the usual type is for one reason or another impracticable.

The references appended at the end of the several chapters are intended to be helpful to the citizen and legislator rather than to the research worker. Fuller bibliographies on the subjects covered can be procured from the works cited or, for that matter, from any competent reference librarian. Needless to say, the current edition of Hurd's Revised Statutes of the State of Illinois should be consulted by one going seriously into any of these subjects.

Most of the material included in this book was originally published as a series of articles in the Rockford Republic. The author's thanks are due Mr. T. Barney Thompson, the editor of that paper, for his hearty support of the undertaking represented by these pages. To personal friends of the author, who cannot here be named, thanks are due for coöperation which has facilitated the publication of this study in its present form.

SEBA ELDRIDGE,

March, 1921. Rockford, Illinois.

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SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

We are offering a summary of our findings not as a substitute for the perusal of the text itself, but as a guide thereto. Naturally, neither the evidence in support of our conclusions nor the details of our recommendations can be set forth in such a summary. For these the text itself must be consulted.

Provision for the Feebleminded (Chapter I). One of the most serious problems confronting the State of Illinois is that of dealing properly with its feebleminded population. The problem is all the more serious in that the feebleminded are probably increasing more rapidly, proportionately, than is the normal population. This is due to their lack of restraint, especially in sex matters.

All feebleminded persons should be segregated in special institutions or closely supervised in their own communities during the procreative period. This is particularly urgent for feebleminded women of the childbearing age, as they are more likely to find mates than are feebleminded men. The state now provides for only a small proportion of this group. Appropriations should be made without delay for institutional facilities for the accommodation of at least 1,500 more feebleminded persons than are now provided for.

Provisions should also be made for a survey of the feebleminded population in the state, with a

view to devising and establishing machinery for the continuous identification, registration and classification of feebleminded persons, and to formulating a comprehensive and economical program for dealing with them. Such a survey would consider the possibility of substituting colony care of the feebleminded for the more expensive institutional care, and the feasibility of leaving certain classes of feebleminded in their own communities under supervision.

Child Welfare Problems (Chapter II). The present laws relative to dependent children should be so amended as to bring all institutions and agencies caring for such children under the supervision of the State Department of Public Welfare. Under present laws, agencies not receiving children from the juvenile courts or not in receipt of public funds are exempt from regulation by the state. A larger staff of inspectors should be provided in order that children's institutions and agencies subject to state supervision may be more frequently and thoroughly inspected.

The rates according to which pensions may be granted to mothers whose husbands are deceased or disabled should be revised to correspond to the increased prices of living necessities. Legislation should be enacted making it mandatory on local authorities administering the mothers' pension law to provide funds for adequate pensions. At the present time few if any counties in the state provide pensions large enough to make it possible for the pensioned mother to care properly for her children.

A Division of Child Welfare should be estab-

lished in the Department of Public Welfare (to supersede the Department of Visitation of Children), whose function would be to supervise and coördinate child-helping work throughout the state. Such a Division should supervise the work of probation officers attached to the juvenile courts, including the administration of mothers' pensions, inspect and supervise children's homes and placing-out agencies, and accept the guardianship of children which can not be properly dealt with by the juvenile courts or other agencies.

Reforms in Penal Institutions (Chapter III). Both juvenile and adult probation work is of poor quality in most counties of the state, owing to lack of guidance and oversight by the state itself. As already recommended, juvenile probation officers should be brought under the supervision of the State Department of Public Welfare, which should be given the authority to formulate and enforce standards relative to the training and remuneration of probation officers, the detention of children awaiting court action, the keeping of probation records, etc. Adult probation work should be brought under the Division of Pardons and Paroles of the same department, which Division should exercise powers similar to those specified in connection with juvenile probation.

The majority of county jails in Illinois are unsanitary and otherwise unsatisfactory. More stringent laws regulating sanitary conditions in jails should be enacted. All jails should be put under the supervision of the State Department of Public Welfare and that department given the

power to insist on the maintenance of proper standards of care and sanitation, and to close jails adjudged unfit for habitation. Ultimately, jails should serve only as houses of detention for persons awaiting trial. The projected farms for misdemeanants will contribute to the realization of this object. We should insist now on the segregation of old offenders from prisoners charged for the first time with law violations, and on the detention in separate homes of juveniles awaiting court action.

A woman's reformatory corresponding to the Pontiac institution for men should be established, and an appropriation made for the development of the farm for woman misdemeanants authorized at the 1919 session of the Legislature.

Educational Needs (Chapter IV). Public schools in most rural sections of the state and in many industrial centers are inefficient and unprogressive, and farreaching measures of improvement must be instituted before they can provide that type of training which the state should provide for all its future citizens. The causes of and remedies for this situation are in part of an administrative character and in part of a fiscal character.

To solve the financial problems—1) the county instead of the school district should be made the taxing unit for school purposes, thus permitting a more equitable distribution of school funds among the several districts of the same county; 2) a much larger distributive fund should be provided by the state, such fund to be distributed according to need instead of according to minor population, and so employed as to stimulate progressive educational

developments in the schools; 3) the maximum tax rate which may be levied for school purposes should be substantially increased, or else limitations on the tax rate for school purposes should be removed altogether, provided that levies above a certain rate be subject to the approval of the voters concerned.

A number of administrative reforms are necessary. The school district is altogether too small an administrative area for school purposes, except in densely populated communities. The county should be made the administrative unit for rural schools, and responsibility for the development of these schools delegated to county superintendents. Expert staffs of supervisors should be employed to visit and supervise district schools, and more effective methods of training teachers for those schools should be instituted.

The State Superintendent of Public Instruction should be given broader administrative powers, including such discretionary authority in the use of the distributive fund as will enable him to stimulate the improvement of school buildings and equipment, the modernization of the school curriculum, the utilization of school buildings for social and educational activities for adults, the development of medical and nursing services in the schools, the engagement of expert staffs of supervisors for the rural schools, and the further consolidation of small districts in the rural sections.

It is suggested that a commission be appointed to formulate legislation and devise machinery for the introduction and execution of these measures.

Prevention of Disease (Chapter V). There are

approximately 35,000 premature deaths and a money waste of $180,000,000 in Illinois each year caused by preventable disease. Outside of the larger cities little or no progress has been made in the establishment of machinery for obviating this appalling waste of life and money.

There are three important causes of this failure to develop public health machinery throughout the state. 1) Most health districts are too small and have too little taxable property to support an efficient public health service. 2) Local officials and the public generally have not realized the seriousness of the problem, nor the enormous benefits which would come from dealing with it adequately. 3) The State health authorities have not had the power or the resources to stimulate the development throughout the state of machinery for disease prevention.

The State Department of Public Health should be given the requisite authority and funds to develop this machinery. The state should be divided into districts sufficiently large for each to furnish employment to a complete corps of public health specialists, including an epidemiologist, a sanitary engineer, sanitary inspectors, public health nurses, etc. Local health centers should be established in these districts, and a general use thereof encouraged. Campaigns of education in hygiene and sanitation should be organized throughout the state. Local communities should be represented in these activities, through advisory boards; and they might be required to assume a substantial part of the expense of public health service in their districts.

CONCLUSIONS AND RECOMMENDATIONS

Labor Conditions (Chapter VI). The child labor law should be amended by raising the minimum age at which minors may enter employment from fourteen to sixteen, while the continuation school law should be so amended as to require the attendance of all children between this minimum and the age of eighteen at continuation or full-time schools. The child labor law should be further amended to require certificates of physical fitness for children under eighteen entering employment, and to require all working minors under this age to have periodical medical examinations. The minimum age at which employment in hazardous occupations is allowed should be raised from sixteen, the present minimum, to twenty-one.

The law regulating hours of employment for women should be so amended as to make eight hours the maximum working day, and forty-eight hours the maximum working week. Under present provisions women may work ten hours a day for seven days a week if required by their employers, while a working week of sixty hours is the rule. Such long hours are a menace to the health of working women and to the physical vigor of the race. All night work for women should be prohibited, because of the moral and physical risks which it involves.

A minimum wage law for women and minors should be enacted, in order to protect these classes from undernourishment and other evils due to excessively low wages. Such a law should provide for a special wage commission with power (or delegate power to any general industrial commission

that may be established) to appoint wage boards representing employers, employés and the general public to investigate conditions in particular industries from time to time, and to recommend minimum wage rates for women and minors engaged therein; such recommendations to serve as a basis for the discussion and determination of wage rates in these industries by the industrial or special wage commission.

The workmen's compensation law should be amended to provide more adequately for dependency created by death or disability from industrial accident. Compensation should be in proportion to the extent of dependency so caused, and for the entire period of such dependency. See the text for specific changes recommended. The scope of the compensation law should be enlarged to include all classes of industries with the exception of those engaging casual workers only. At the present time only about 55% of the wage-earners in the state are covered by the compensation law. A state accident fund should be established, in order to assure prompter action on claims for compensation, and to provide employers with insurance against their compensation liability on a cost basis.

A sickness insurance system should be established to make better economic provision for sickness for wage-earners and others with incomes below a stated amount. Less than 25% of the wage-earners in the state carry disability insurance, and this insurance covers only 6% of the loss caused by disabling sickness of a week or more in duration. Adequate provision for sickness cannot be expected

under existing arrangements.

The time has come for a serious consideration of unemployment insurance under state auspices. The state should also purchase its supplies and plan its construction work in such a way as to afford the maximum relief to wage-earners during times of industrial depression.

Better economic provision must be made for old age. Many thousands of worthy aged in the state are dependent on public or private charity for the necessaries of life, because they have been unable to make adequate provision for this period of their lives.

Our machinery for the administration of labor laws must be deemed defective in view of the changes constantly taking place in industry, and the lack of any authority during the intervals between legislative sessions for dealing with such changes. There should be established a paid industrial commission charged with the responsibility of administering all labor laws, and for the coordination of all divisions and bureaus concerned in the administration of these laws. This commission would be given authority to lay down and enforce detailed rules for protecting the lives, health and safety of industrial workers. There would seem to be no reason why the present Department of Labor and the Department of Mines and Minerals should not be consolidated under the headship of such a commission.

Housing Problems (Chapter VII). Investigations in a number of cities in Illinois have revealed the existence of deplorable housing conditions

which must be dealt with, in part, by legislation. A state housing law based on the so-called Model Law should be enacted and made mandatory on all cities of more than 5,000 population, with the possible exception of Chicago. If Chicago is exempted from the provisions of such a law, a special housing law applying to that city should be enacted.

The tentative draft of a housing bill proposed by the Housing and Building Commission is seriously defective in many of its provisions, as a detailed comparison of that bill with the Model Law will show. If that bill is to serve as a basis of housing legislation, therefore, it should be so amended as to approximate the provisions of the Model Law. See the text for a detailed comparison of the provisions embodied in these two measures.

The problem created by the acute housing shortage in most cities of the state should receive the attention of the Legislature, which might well consider the creation of a fund to be loaned to municipalities and limited-dividend companies desiring to erect houses of approved standards for sale or rent on a cost basis.

Local Government (Chapter VIII). Social and industrial problems in the state are complicated by an outworn system of local government, and the solution of many of these problems will be difficult or impossible until a more efficient system of local government is established.

Governmental activities in the state suffer from an extreme decentralization, as our survey has shown. Moreover, local government itself is defective in organization, as is evidenced by the great

number of independent governmental bodies functioning in the same territory, the existence of a corresponding number of independent taxing authorities, and the statutory specification of maximum taxing and borrowing powers for a great number of specific governmental functions.

There should be a closer relationship between the state government and local governments. A great deal more authority and responsibility should be delegated to the state government in certain directions, as, for example, in educational and public health matters. A unified system of local government with the county as unit should be substituted for the independent and uncoördinated governmental bodies now existing in the same community. Township organization would not be abolished under this plan, but would be subordinated to county organization. City and village governments, on the other hand, would not be subordinated to county governments, although they should be brought into a more organic relationship with both county and state governments. With this unification of local government would go a pooling of taxing and borrowing powers, and the distribution of revenues among various governmental activities by the local officials made responsible for this function.

CHAPTER I.

Provision for the Feebleminded.

One of the gravest situations confronting Illinois today is that constituted by its large and probably increasing feebleminded population. It is a situation whose menace is not fully realized by the average citizen, and it is high time that the state at large woke up to its seriousness. Mr. Charles H. Thorne, former director of the State Department of Public Welfare, has stated that sixty per cent of the inmates of the State Training School for Girls are mentally defective; that eighty per cent of the almshouse population in Illinois are feebleminded; that in every community in Illinois there is a group of feebleminded families, and that these families are dependent on public charity.

Number of Feebleminded. The number of feebleminded people in the state is variously estimated at from 8,000 to 25,000. Mr. Thorne himself estimates the number to be 12,500, which is admittedly a conservative figure. The gravity of the situation is not fully revealed by these figures, for the feebleminded reproduce their kind generation after generation, and so, under present conditions, impose a permanent burden on public and private charity, besides swelling the ranks of the delinquent and criminal classes, who are themselves a heavy charge on our courts and our penal institutions.

Moreover, the number of feebleminded is probably increasing as, owing to their lack of restraint, the birth rate among this group is much larger than among the population at large. The gravity of the problem thus increases with each generation, and unless we institute and carry out an adequate program for dealing with it it may get beyond our control.

At any rate, the cost to the state in money and in suffering will become the greater the longer we delay in grappling with this problem in a thoroughgoing manner.

Feeblemindedness Preventable. It is estimated by various authorities on this problem that from 25 to 75 per cent of feeblemindedness is hereditary, while the preponderant opinion is that approximately two-thirds is hereditary. All are agreed that hereditary feeblemindedness is preventable, and that a considerable proportion of non-hereditary feeblemindedness is also preventable. But hereditary feeblemindedness is the more serious evil, as it is passed on from generation to generation, and, as I have already intimated, the amount of hereditary feeblemindedness is probably on the increase owing to the high birth rate among the feebleminded group.

The method of preventing hereditary feeblemindedness is to make it impossible for the feebleminded to reproduce their kind, and measures having this object in view are now being carried out in most states in the Union, Illinois included. But these measures have not hitherto been adequate in any state, although we have the necessary

knowledge upon which to base an adequate program. The point to be emphasized here is that the supply of feeblemindedness can be largely cut off at its source, as soon as we are willing to institute the necessary measures.

Methods of Prevention. Theoretically, there are a number of possible methods of preventing feebleminded people from reproducing their kind. One method would be to make it illegal for feebleminded people to marry. This method is obviously impracticable, as the feebleminded themselves are generally lacking in self control, especially in sex matters, and while such a law as I have indicated would make legal marriage of feebleminded persons impossible, it could not prevent them entering into illicit relationships nor obviate the natural consequences thereof.

As a matter of fact, a considerable proportion of feebleminded women give birth to illegitimate children. A law prohibiting their marriage would only increase illegitimacy, but would probably not reduce the birth rate among the feebleminded.

Sterilization is another method, and this has actually been tested in some states with certain types of criminals. But popular sentiment against the use of this method is so strong that it cannot be utilized as a general means of preventing procreation by the feebleminded.

A third method, and the one everywhere accepted as offering the only practical solution, is to segregate feebleminded adults, and particularly feebleminded women during the childbearing period,

in institutions, so that sex relationships are impossible to them.

A fourth method, and one which has considerable possibilities, is to supervise certain types of the feebleminded in their own communities.

Progress in Illinois. Considerable progress has been made in Illinois in the segregation of feebleminded persons. Lincoln State School and Colony has a capacity of 1,800, but owing to the pressure for the admission of new cases, it now shelters 2,300 inmates, including many adults.

To relieve the pressure on this institution, and to accommodate many others in need of custodial care, a new institution is in process of development at Dixon. At present there are 150 feebleminded boys in the institution, and it is expected that approximately 500 additional beds will be made available during the present year.

Comparing these provisions with the need, as indicated by the number of feebleminded in the state, they are seen to be quite inadequate. The State Department of Public Welfare is alive to this situation, and expects to ask the Legislature for funds to provide for at least fifteen hundred more feebleminded than have already been provided for at Lincoln and Dixon. This measure ought to receive the support of every intelligent citizen in the state. It would scarcely be possible to deal too generously with this matter, as undoubtedly there ought to be provision made for the more or less permanent segregation of a large proportion of the state's feebleminded population.

On the most conservative estimate we need two

or three times the amount of institutional facilities that we now have for the care of the feebleminded. It will be money well spent, as there will be more than an equivalent saving in the cost of maintaining public outdoor relief, almshouses, jails and penitentiaries, to say nothing of private charities. And with the segregation of all the feebleminded adults who are liable to reproduce their kind, the need for institutional provision for this class of unfortunates will be progressively smaller, for ultimately we should only have to deal with the feeblemindedness due to non-hereditary causes.

Survey Needed. In order to determine the dimensions of this problem, and to formulate a detailed plan for dealing with it, a state-wide survey of the feebleminded should be undertaken. So far as practicable, all the feebleminded should be identified, registered and classified, and brought under the supervision of the state. At present we do not know exactly how many feebleminded there are in the state, nor has there been a sufficiently detailed investigation of the problem of feeblemindedness to make possible a comprehensive and economical program of dealing with it.

Many types of the feebleminded can safely be left in their own homes, or at least in their own communities, provided they are placed under the proper supervision. On the other hand, a large proportion of the feebleminded should be permanently segregated in institutions or colonies, where they will not reproduce their kind, nor be a burden on our courts, our charities and our penal institutions. We do not know how many feebleminded in

the state ought to be thus segregated, and a survey such as I have indicated should yield us this information.

Such a study would also consider the feasability of colony care as a substitute for the very much more expensive institutional care. Finally, the information which a survey supplied would make possible the formulation of a comprehensive plan for supervising those feebleminded persons who can be properly cared for in their own communities. The Legislature would be well advised to provide for a survey of this character, for its future treatment of this problem could then be planned in the light of a comprehensive and thoroughgoing knowledge of the whole situation.

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CHAPTER II.

Child Welfare Problems.

There are something like twelve thousand dependent children in Illinois which are cared for in children's homes, manual training and industrial schools, and in private homes where they are placed by child-helping agencies. The expense of maintaining these children is well over a million dollars.

In addition approximately one-half million dollars is expended in the various counties of the state in the form of mothers' pensions, providing partial support for a large number of children not included in the total given above. There are also many children cared for in institutions for the physically or mentally defective not included in this total.

In this chapter we shall consider the question whether these wards of the state are being cared for properly, and whether the funds devoted to their care are wisely expended. We shall not discuss, however, the care of children that are mentally or physically defective, nor efforts to reduce infant mortality, although these undertakings come within the scope of child-helping activities broadly conceived.

Inspection of Children's Homes. Up until two years ago the state was given authority only to supervise children's institutions which were in receipt of public funds, or to which dependent chil-

dren were committed by the juvenile courts, although no association caring for dependent children could be incorporated until its purposes had been approved by the State Board of Administration, now the Department of Public Welfare. At the 1919 session of the Legislature, however, an act was adopted bringing all boarding homes for children (with an exception noted later) under the supervision of the Department of Public Welfare, and authorizing that department to license and inspect such homes, and to revoke their licenses in case of failure to maintain the standards of care laid down in the act.

So far as the law is concerned, therefore, all institutions or agencies caring for dependent children are subject to state supervision, excepting children's homes or placing out agencies which do not receive commitments from the juvenile courts or which are not supported in part from public funds. The law should be amended to bring all agencies caring for dependent children, without exception, under state supervision.

Moreover, there should be an amendment of the act providing for the licensing and inspection of boarding homes for children which shall bring all such homes under state supervision. The 1919 act exempted from state supervision homes in which children have been placed by parent, legal guardian or accredited association, an exemption which is unjustifiable, since such homes may and often do require as strict a supervision as any other type of children's home. Parents and guardians are often willing to shirk their responsibilities, and where

such is the case, we cannot expect them to take enough interest in a boarding home where they have placed children to see that the proper care is given.

More Inspectors Needed. Not only ought the law to be modified in the respects indicated, but there should be a larger appropriation for the administration of the law. At the present time there are only eight inspectors to visit all the children's institutions subject to state inspection, and all the children placed in foster homes by children's agencies in receipt of public funds. With the present staff, inspections cannot be sufficiently thorough and frequent to guarantee that all these children are being properly cared for. On reporting to the Department of Public Welfare a number of children's boarding homes discovered in Rockford last year, we were informed that the Department's staff of inspectors was so small that such homes could not be inspected. So, under present conditions, the 1919 law is practically a dead letter.

If children's agencies now exempted from state supervision are brought within the law the staff of inspectors should be correspondingly enlarged.

Under present conditions we have no assurance that only those children are admitted to children's homes or placed in foster homes who are really entitled to this provision. A few years ago in New York City it was discovered that a considerable proportion of the children in the orphanages of the city were not orphans at all and that they had parents who were entirely capable of caring for them.

The same thing is true in all probability of

many institutions in Illinois, for we are probably no farther advanced in the administration of our charitable institutions than is New York. A larger staff of investigators for the supervision of dependent care for children would make an investigation into this aspect of the work possible.

Mothers' Pensions. In a recent issue of the Institution Quarterly the statement is made that "mothers' pensions in the majority of the counties are not accomplishing their purpose," the small size of the pensions granted and lack of supervision over the families aided being given as the two principal causes of this failure. Twelve counties in the state do not grant pensions at all, thus ignoring the law, while in a great many counties the pensions are administered by township supervisors, justices of the peace and other local officials who have not had the training and experience which would fit them for this work.

So serious is the situation in regard to mothers' pensions that many students of the problem are apprehensive that the law will largely fail of its purpose, and this form of aid sink to the level of ordinary outdoor relief. Probably the only action which can save the situation is to bring the administration of mothers' pensions under the supervision, though not under the direct control, of the State Department of Public Welfare, giving that department the authority to insist on proper standards in the grant and administration of these pensions.

The appointment of local probation officers in charge of this phase of juvenile court work should be subject to the Department's approval, and the

Department should also have the power to order an increase in the size of the pensions granted. In order to assure the appropriation of sufficient funds for this purpose, the state should either supplement the grants made by the county boards or an act should be passed making it mandatory on these boards to provide sufficient funds.

The rates according to which grants may be made should be adjusted to correspond with increases in the cost of living since the law was enacted. At present a grant of fifteen dollars per month for one child under fourteen may be made, and ten dollars for each additional child until a limit of sixty dollars per month is reached. Obviously such grants are not adequate with the prices of living necessities as high as they are.

With the introduction of these changes the intent of the mothers' pension law would be realized, whereas at the present time the grants made are rarely sufficient to enable the pensioned mother to stay at home and care for her children, as the law intends.

Division of Child Welfare Proposed. To provide the machinery for the better care of dependent children in the state, a division of child welfare should be established in the Department of Public Welfare to supersede the present Division of Visitation of Children. This division would exercise the supervisory powers which we have said should be granted the state in the matter of dependent children.

According to a plan formulated by Wilfred S. Reynolds, one of the best informed students of this

problem, such a division would co-ordinate the work of existing agencies; appoint, in consultation with the county judge, local (unpaid) boards of child welfare to supervise child-helping activities in their several communities; have a voice, through these boards, in the appointment of local probation officers; provide investigators to co-operate with local agencies; exercise, when called upon, supervision over mothers' pensions; license and inspect all child-caring agencies, irrespective of the sources from which children are received; and accept the guardianship of children which cannot be properly dealt with by the juvenile courts.

A state program with substantially these provisions must be adopted and carried out if we are to be assured that the dependent children who have a claim on the state for protection are to be properly cared for, and opportunities afforded them for developing into useful self-supporting citizens.

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CHAPTER III.

Reforms in Penal Institutions.

Illinois has made great progress recently in the development of a modern correctional system, and in not a few instances the state has been a pioneer in the adoption of more enlightened and constructive methods of dealing with offenders against the law. There is still great room for improvement, however, and conditions in some of our penal institutions are quite repugnant to modern humanitarian sentiment. To get our unsolved problems clearly before us, a word must be said regarding the principles underlying modern penal systems.

Modern Penal Principles. Increased emphasis has been given in recent years to the possibility and the importance of reforming or educating the offender so that he may become again a respectable law-abiding member of society. There is now a widespread conviction that this is the most effective way of protecting society against crime. While the desire for retribution or revenge against the perpetrator of criminal acts is still a strong motive with many people, it is gradually receding into the background, and a more humane and intelligent interest in the offender is taking its place.

It is recognized that if this more constructive aim is to be realized the treatment of the offender must be based on a careful study of his mental and physical traits and his social environment, and that

modern educational methods must be employed in bringing about a better adjustment between him and society at large. This conviction finds expression in the claim that the treatment of the offender must be "individualized."

But since our penal authorities cannot give individual attention to each prisoner in their charge, as a private tutor can to his pupil, prisoners must be classified according to the seriousness of their offense, their mental characteristics, etc., and treatment carefully adapted to each of the classes distinguished.

The treatment itself consists of educating the prisoner morally, politically and industrially, giving him a larger measure of responsibility, according as he shows himself deserving of it, and eventually promoting him, so to speak, to a position of complete independence, or freedom.

Some few types of prisoners, such as the imbecile or insane, must be kept in permanent custody, but rather as mentally defective persons needing oversight than as criminals to be punished.

In this scheme of punishment or correction, the element of retribution is subordinated to the needs of the prisoner himself, and our penal institutions are tending to become great educational institutions which deal with special classes of immature and miseducated persons.

Penal Institutions. In accordance with this theory, it is held that first offenders against the law, unless their offenses be particularly serious, should not be sent to a penal institution at all, but given another chance to make good, under the

supervision of court officers, in their own communities. This we call the probation system.

Again, those guilty of a first or even a second offense, unless it be a grave one, are dealt with in reformatories rather than in penitentiaries, for it is believed that a better response will be secured if there is not the discouragement of having to serve a term in an institution which carries with it in the popular mind a disgrace which cannot be blotted out. Besides, the methods of the reformatory are better adapted to the problems of the young or first offender for whom there is a good prospect of reclamation.

Then there is the penitentiary for the more serious offenses, with methods which are or ought to be adapted to the problems of those guilty of such offenses.

Finally, for all these types of institutions there is the so-called indeterminate sentence and parole upon release, which puts a premium upon good conduct and the desire to reform, so that, except for a minimum sentence laid down in the law, the length of stay in the institution largely depends on the prisoner himself.

All the features of this system have been established in Illinois, or at least provided for in the penal law of the state. We have the beginnings of a system of juvenile courts and juvenile probation; the beginnings also of a system of adult probation; provisions for the indeterminate sentence for all except a few of the more serious crimes; an excellent parole law providing for the supervision for a certain length of time of prisoners released on

indeterminate sentences; and we are beginning to transform our penitentiaries from institutions for punishing criminals into institutions for their education and reformation. Many of our county jails, on the other hand, are breeding places for crime, vice and disease, and their improvement should be delayed no longer.

Juvenile Delinquency. The law establishing juvenile courts and providing for probation of juvenile delinquents has been on the statute books for a number of years and considerable progress has been made in developing these features of our correctional system. Cook county, for instance, has developed a wonderfully efficient system for dealing with juvenile delinquency, and so have a few other counties.

But in some counties no attempt has been made to carry out the law, while in other counties the administration of the law is lax and ineffective. Several counties detain boys waiting a court hearing in jail with old offenders, while a large number of counties have special departments in the jails for boys or send children to the almshouse while they are awaiting court action. In comparatively few counties are properly trained persons engaged as probation officers, and in some counties the probatin officer is paid on a per diem basis. But rarely are adequate salaries paid probation officers, and very little provision is made for necessary clerical assistance for them.

The result of all these conditions is that in very few counties is there an efficient system for dealing with juvenile delinquents; the great majority of

probation officers are unqualified for the duties of their position; the records kept are poor and not uniform from county to county; children often suffer grave moral injury by being kept in the jail or the almshouse with criminals or paupers; and, in general, the opportunities for reclaiming juvenile delinquents from careers of crime and vice are not utilized as they should be.

Those who have gone into this situation thoroughly are agreed that the most promising plan for the improvement of juvenile court work is to bring it under the supervision of some state agency to which is delegated the power to insist on the maintenance of proper standards in the administration of the juvenile court law, particularly as regards the training and remuneration of probation officers, the detention of children awaiting a hearing before the court, and the keeping of probation records.

Logically this supervisory function would fall to the Department of Public Welfare, and if a division of child welfare is established in that department, as was advocated in a previous chapter, it should be given the power to supervise and standardize the work of local probation officers. This work is now suffering from its extreme decentralization, and needs the stimulation and the guidance which a central state agency could supply.

Adult Probation. What has been said regarding juvenile probation applies in the main to adult probation, except that adult probation in the rural counties of the state is even more backward than is juvenile probation.

In one-half the counties of the state no use is

made of the law providing for adult probation, with the result that many first offenders are committed to a reformatory or a penitentiary who ought to have a chance to make good in their own communities. Case histories, or records of the family and other circumstances of offenders put on probation, are rarely kept, and female offenders are generally put under the charge of male probation officers, which is a most reprehensible practice.

The remedy here is the same as for juvenile probation. Supervision over adult probation should be exercised by some state agency, preferably the Division of Pardons and Paroles of the Department of Public Welfare, or by some new division established in that department for this special purpose.

This division should lay down and enforce minimum standards as to the compensation and qualifications of probation officers, the keeping of records, and the methods of probation.

Finally, probation officers for both juvenile and adult delinquents should be put under civil service rules, selected on a merit basis and made entirely independent of local politics.

The Jail Problem. County jails now generally serve as places of detention for persons accused of offenses against the law and for witnesses expected to give material testimony in regard to serious crimes, and also as penal institutions for people found guilty of misdemeanors or violations of local ordinances.

This practice of incarcerating in the same institution persons who may or may not be guilty of serious crimes, other persons who are guilty of

minor offenses only, and persons (witnesses) who are not charged with crime at all is vicious and demoralizing and ought not to be tolerated.

It is now generally held by experts that jails should serve only as houses of detention, and not as places of punishment. Moreover, there should be a classification of those detained in jail; and witnesses, old offenders and those charged for the first time with violation of the law should all be segregated one from the other. There should be separate detention homes for juveniles alleged to be delinquent, and there should be, in all cases, a strict separation of the two sexes.

Illinois Jails. Hitherto there has been but little recognition of these principles in Illinois, as the county jails quite generally function as a "catch all" for the classes mentioned. However, in more than half the counties of the state children are not detained in jail with old offenders, while there is generally a strict segregation of the two sexes when incarcerated in the same jail.

The state law is now taking steps to provide for another class by the establishment of state farms for misdemeanants. Appropriations have already been made for a state farm for male misdemeanants, and a farm for women misdemeanants has been authorized, but no appropriation has yet been made for it. It is to be presumed that the Legislature will make good this oversight and provide the necessary funds for the latter institution.

Stringent laws should be enacted prohibiting the incarceration of juveniles in the common jails, or their detention, even temporarily, at county alms-

houses; and responsibility for the enforcement of these laws should be lodged with the State Department of Public Welfare. This done, and the two state farms for misdemeanants established and properly utilized, the local jails would be used only as places of detention for persons awaiting trial, for witnesses, and for persons convicted of violating local ordinances.

Laws would then be needed providing for the segregation of these classes within the jail and for the separation of accused persons who are old offenders from those charged with law violations for the first time. Responsibility for the enforcement of these laws should also be lodged with the State Department of Public Welfare, for experience has shown that the enforcement of laws regulating jails cannot be expected from local officials.

Moreover, steps should be taken to close those jails which are seriously below standard in the matter of sanitation.

Every one who has inspected our county jails in Illinois has been horrified at the conditions found to exist in many of them. A recent inspection of county jails by the State Department of Public Welfare showed that the conditions in 20 jails were good, in 19 fair, in 41 very poor or bad, while 21 were adjudged unfit for use. Only the 39 graded as good or fair are deemed to be suited to their purpose, while 62 are adjudged unfit for human habitation.

Some of the smaller counties have not even complied with the law prohibiting the feeding of prisoners on a per diem basis, a system which puts a

premium on the underfeeding of prisoners and on graft by local politicians.

Laws should be enacted giving the State Department of Public Welfare authority to order the closing of jails adjudged unfit for use, and to lay down standards of sanitation which must be complied with in the maintenance of jails.

This new legislation should require the medical examination of all prisoners when taken to jail, the isolation of prisoners with infectious diseases and the provision of a detached hospital room for prisoners suffering from acute illnesses.

A standard amount of air and window space should be insisted on, and the use of common towels, drinking cups and tubs prohibited. There should be provisions also for clean bedding, for satisfactory toilet arrangements, and for a cleanly and orderly upkeep of jail premises.

Needless to say, the state should be given the authority to see to it that these provisions are carried out after they are enacted into law. As in so many other community matters, local officials managing the jails need the stimulation, the guidance and the supervision of some state agency that is independent of local politics and local prejudice.

State Penal Institutions. Conditions in the state institutions themselves are much better, and improvements are projected which should give Illinois a modern scientific correctional system.

Enlightened provision has been made for juvenile delinquents in the State Training School for Girls at Geneva and the St. Charles School for Boys. And with the completion of the state penal

farm at Lockport and the establishment of farms for male and female misdemeanants a great advance will have been made toward a scientific system of individualized treatment for adult offenders. The completion of the Lockport institution will make possible the abandonment of the state penitentiary and the woman's prison at Joliet, and the Chester State Hospital for the Criminal Insane.

There should be provision for a woman's reformatory corresponding to the Pontiac institution for men. The Southern Illinois Penitentiary at Menard, which is of antiquated construction, should eventually be abandoned for an institution of modern design, although the time for that has perhaps not come just yet.

These changes made, Illinois will have four grades of institutions for male and female offenders: one for juvenile delinquents, one for misdemeanants, one grade (the reformatories) for more serious offenders, and a fourth grade (the penal farms or penitentiaries) for the most serious offenses recognized by the law. This will permit a scientific classification of prisoners, and with the abandonment of the old-style penitentiaries, discipline within the institutions can be made truly educational. Our excellent parole law and provisions for the indeterminate sentence will complete the system and make feasible the gradual promotion of the prisoner to responsibility and independence, according as he shows himself to be trusted.

The Legislature should authorize the establishment of a woman's reformatory, and provide funds for the farm for women misdemeanants already au-

thorized. Certain special needs in existing institutions should be provided for, such as necessary replacements and improvements, the development of prison industries, and the like.

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CHAPTER IV.

Educational Needs.

The public school lies at the very foundation of our democratic institutions, as every reflective person realizes; and it is of the utmost importance, therefore, that the public schools offer the best possible training to our boys and girls and thoroughly equip them for their duties as citizens after they shall have become men and women.

This being true, we should take stock of our schools from time to time, and determine whether they are performing this service in an acceptable manner. We shall attempt within the limits of this survey such an evaluation of our Illinois schools, confining our attention to the elementary and secondary schools as being of more general concern to the state at large than are institutions of higher learning, although these are of course important too.

In 1918 there were 11,899 school districts in Illinois employing 34,597 teachers, using 13,652 buildings for school purposes and furnishing instruction to 1,081,504 elementary and high school pupils. These districts spent in round numbers sixty-seven million dollars, of which approximately sixty-two millions were provided by the districts themselves, one and three-quarters millions by the townships and three and three-quarters millions by the state, the quotas furnished by the township and the state

being distributed to the districts in proportion to their minor populations. The expenses of the county superintendents of schools and of the State Superintendent of Public Instruction and other general administrative expenditures do not enter into these totals.

Low Level of Efficiency. There is no question but that the standard of efficiency in many of our schools, particularly in the rural districts, is very low. A sympathetic student of the rural schools has stated that they "are not living up to the measure of their possibilities under their present organization. They are not adequate for the new needs and new tasks that are before them." While this statement refers only to the rural schools, conditions in many of our urban school systems, particularly in the mining towns in the southern part of the state, are almost as bad.

The causes of this comparative inefficiency and the remedies for it may be divided into 1) those of an administrative nature and 2) those of a fiscal nature. We shall first discuss problems of the second group.

School Finances. Practically all the school systems of the state are suffering from lack of sufficient funds, but this condition is far more acute in rural communities and in certain industrial towns than in most of our city school systems. The rural schools are suffering just as much, probably, from a defective administrative organization, which makes it impossible to utilize properly the funds at their disposal, inadequate though they be. The

two problems are closely interrelated, as we shall see.

The great variations in quality of school work in different communities are largely due to financial differences. Under present laws most of the funds for the maintenance of the schools come from the levy of taxes in the local districts. The districts are limited by law as to the rate for school purposes that may be imposed, the maximum levy now being two per cent on the assessed valuation of property, for school and building purposes, which may, however, be increased by referendum to as much as two and two-thirds percent.

High school districts have an independent taxing authority, however, which increases the financial resources for educational purposes of communities in which there are such districts.

Now, the value of taxable property is very unevenly distributed as between different counties of the state, and between different districts in the same county; or, to put it differently, there is a great variation in taxable wealth per capita in the school districts of the state. The result of this is that many districts are unable, on account of the relatively low amount of taxable property therein, to procure sufficient funds from taxation to provide efficient schools, and the allotments from township and state funds are not adequate to supply this deficiency, as these funds are comparatively small in amount and must be distributed in proportion to the minor population in the several districts.

So serious is the situation that many of the

mining towns in the southern part of the state and many of the districts in the poorer agricultural sections are unable to maintain creditable schools and to give the children in those districts that minimum of education which the state should provide for all its citizens.

Financial Reforms Proposed. Practically all our school systems are handicapped by lack of sufficient funds, for scarcely any of them are able to pay salaries sufficient to attract and hold properly qualified teachers and to provide school buildings and equipment suited to modern educational purposes. This is seen in the fact that in 1918 31.6 per cent of the public school teachers of the state were receiving salaries of less than five hundred dollars a year, while of more than thirteen thousand public school buildings, only 2,335 were classed as standard, or superior, by the State Superintendent of Public Instruction.

At least three important measures are necessary to the solution of this financial problem.

First, the taxing unit should be made the county instead of the district. This would permit a more equitable distribution of funds raised from taxation among the several districts of a county, and it would not entail any essential injustice to people in the wealthier districts. Now, for example, a railroad running through a certain district may increase the taxable property of that district out of all proportion to its population, while an adjoining district may be so poor in taxable wealth that it cannot get funds enough from taxation to support its school. The fact is that wealth is not

distributed according to population, nor even according to that part of the population which owns the wealth; and the larger we make the taxing unit the more equitably can funds from taxation be distributed. Making the county the taxing unit for school purposes would be a long step in that direction.

Secondly, to compensate for the unequal distribution of wealth between counties, a much larger fund should be provided by the state for distribution to the counties for school purposes. In the opinion of many experts on this question, the levy of six millions a year by the state for school purposes should be increased to ten millions a year. Whether there should be so large an increase or not, there is no doubt that the state distributive fund should be very considerably increased.

Moreover, the principle according to which this fund is distributed should be changed so as to permit allotments to the poorer counties in excess of the proportions to which their minor populations would entitle them.

Thirdly, the present law limiting the tax rate which can be levied by the local community for school purposes should be so modified as to permit the levy of higher rates when the people of a community approve such a levy. Possibly there should be no limit at all, provided levies above a certain rate are first approved by a referendum vote, for probably no community would vote to spend more money on its schools than it could afford.

School Organization. With these fiscal reforms should go some rather fundamental administrative

reforms, for the comparatively poor standards of many of our rural schools are due, in my judgment, to a defective administration of the schools as well as to the inadequacy of their funds. Some analysis of the administrative organization of the schools will be necessary in order to make the problem clear, and to indicate the direction in which improvement is to be sought.

Of the 11,899 school districts of the state, 11,252 are administered by boards of directors, 619 by boards of education (most of these are in urban districts), and 28 are administered under special charters granted by the State Legislature. These local administrative bodies may be said to be the center of gravity in our school system regarded in its administrative aspects, for they levy the school tax, provide buildings, administer school property and engage the teachers.

The State Superintendent of Public Instruction, on the other hand, has little direct authority over the schools, functioning for the most part as an adviser and investigator rather than as an administrative official. His administrative powers are growing, however, and he now has supervision over the examination of teachers and the granting of teaching certificates, and he may require the replacement of old and unsanitary school buildings in local districts by standard buildings suited to school purposes. Other important administrative powers have recently been granted him.

The county superintendents of schools likewise have but little direct authority over the schools, their functions being mainly of an advisory and

clerical nature. They are required, however, to visit the schools, hold yearly institutes for teachers and hear appeals from the action of local school authorities in certain matters, while under a recent act they have authority to enforce the provisions of the compulsory attendance laws, which previously were very laxly administered.

We ought to note also that township trustees fix the boundaries of school districts, hold title to school property and administer township funds, while the township treasurers distribute to the districts allotments from the state distributive fund previously distributed to them through the county treasurers. Finally, there are a great number of high school districts serving one or more townships or parts of townships, and independent, in their administration, of local boards of education responsible for the elementary schools.

Administrative Reforms Proposed. The most striking feature of this scheme of administration is its extreme decentralization, for the duties of all the officials above the local boards of directors (or education) are mainly of an advisory or clerical nature, though there is a tendency to extend the authority of the State Superintendent and of the county superintendents over the local schools.

Another striking feature of the system is the lack of uniformity between different districts, as witness the school systems under special charters, and the lack of coördination between the independent high schools and elementary schools in the same districts.

These are defects that ought to be remedied, but

limitations of space prevent us from discussing them at length. The same applies to township trustees. It is believed by many that school matters now handled by the township trustees should be delegated to other officials connected with the school system who are better qualified to deal with those matters. This would certainly simplify matters, and it is difficult to see how any harm could come of it.

A more serious problem lies in the extreme decentralization of the school system. The volume of work in the rural district is not large enough to justify the engagement of paid experts to supervise and direct the district school (or schools). The visit of the county superintendent to the district school is very infrequent, and he can exercise but little supervision over it. The great majority of these schools are isolated from other schools, and there is for the teacher but little of that stimulation which comes from contact with others in the same profession. The local boards of directors are of course not qualified to give expert direction to the teachers whom they engage or to suggest needed changes in their methods.

Larger Unit Needed. The solution seems to be indicated by our city school systems. In the city there is daily contact and exchange of ideas between teachers in the grades, there are frequent visits and helpful suggestions by supervisors and superintendents, there are frequent teachers' meetings where stimulating discussions of school problems take place—in short, there is that interchange

of experience which is indispensable to progress in any field of human endeavor.

If there is to be the same sort of stimulus brought to bear on the development of our rural schools, the administrative unit must be larger than it now is, and there must be a larger measure of contact between teachers, and more expert oversight of their work by supervisors engaged for the purpose.

The unit of administration should be made the county instead of the district. The county superintendent should engage the teachers, plan improvements in the school plants, determine the disposition of school funds, and, in short, become a real administrative officer charged with the responsibility of developing the schools in his county to the highest point of efficiency.

To do this, he must have a staff of supervisors large enough to make frequent visits to each school possible, and there should be arrangements whereby the teachers in a township or some larger section of the county would come together weekly or fortnightly to talk over their problems and to exchange ideas regarding school work.

The county institutes should of course be continued and developed, and teachers encouraged and aided to attend meetings of the state teachers' associations where their contacts would be broadened and their understanding of school problems deepened.

State Superintendent Should Have More Power. As a further corrective of the extreme decentralization of our school system, the powers of the State Superintendent of Public Instruction should be

very considerably extended, so that he shall be in a position effectively to stimulate and in some directions to compel improvements in the administration of the local schools.

He should be given the power so to use the state distributive fund as to bring about the modernization of school plants throughout the state, aiding financially those districts which are too poor to afford the expense; encourage the use of the school buildings for public lectures, musical entertainments and other educational activities for adults; improve the curriculum, particularly by the addition of vocational training and organized play; stimulate and, if need be, provide from the distributive fund part of the expense for competent medical and nursing services in the schools, so that physical defects of pupils may be corrected; and assist in the development of competent staffs of supervisors in the counties, as recommended above. He should also use this increased authority to further the consolidation of small districts, in order to secure more effective teaching units.

Investigating Commission Proposed. Legislation will be needed for all these changes, and this legislation cannot be enacted without convincing the people of the state that it is demanded in the best interests of all concerned.

To provide machinery whereby the details of this legislation may be worked out, and the support of public opinion secured for it, it is suggested that a commission be appointed which shall be representative of all classes of people who are specially interested in the improvement of our schools, and

particularly the teachers, school principals, superintendents and taxpayers. It should be possible for such a commission to formulate recommendations which shall embody all the changes we have suggested and which shall at the same time appeal to all the groups mentioned as essentially just and reasonable.

Needless to say, such a commission should consider how local boards of directors would function under such a scheme of administration as I have outlined. My own opinion is that such boards should in the future be of an advisory nature, interpreting to the state and county superintendents local sentiment in regard to school matters. We should then have as much local influence in the administration of the schools as was compatible with efficiency, and that measure of centralization which is necessary to keep the schools abreast of the best thought and practice in educational matters.

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CHAPTER V.

Prevention of Disease.

The State Department of Public Health has estimated that the money cost of infectious diseases in Illinois for the year ending June 30, 1919, was $223,634,515, and that the number of deaths from all causes for the same year was 101,220.

The cost of infectious diseases represents a waste which is practically all preventable, as sanitary experts are agreed that infectious diseases can largely be abolished by the application of preventive measures demonstrated to be effective. I have calculated on the basis of Professor Irving Fisher's estimates, published several years ago in his Report on National Vitality to the National Conservation Commission, that there are approximately thirty-five thousand premature deaths in Illinois each year due to preventable disease and accident, and that there is a preventable money waste of approximately one hundred and eighty millions of dollars due to the same causes.

Means of Prevention. The methods of preventing this waste of life and money, stated in general terms, are the following: safeguarding water, food and milk supplies so that they shall not be sources of disease infection; segregation or expert care of persons suffering from infectious disease so that they shall not infect well persons; fairly frequent medical examination of all persons for the detection

of physical defects and tendencies toward disease; provision of adequate facilities for the treatment of disease and the correction of physical defect, and bringing these facilities within the means of all classes of the population; the standardization, from a sanitary standpoint, of housing and industrial conditions; general education in hygiene and sanitation; and prevention of marriage by persons suffering from infectious disease or from mental or physical defects which may be transmitted to offspring.

Public Health Machinery. The machinery for the execution of these measures includes, in addition to private physicians practicing medicine for a livelihood, well-equipped local health departments employing trained epidemiologists (experts in the control of infectious diseases); sanitary engineers and inspectors whose special functions are to trace out and block the sources of disease infection; health centers conveniently located, where people are encouraged to come for medical examinations and advice, the charges for this service to be such that all classes of people, it matters not how poor they may be, can avail themselves of it; a public health nursing service operated in conjunction with these centers and with other divisions of the public health service, to visit in the homes of persons suffering from infectious or other diseases, and advise and coöperate with them in the treatment of their disease or defect; adequate hospital and dispensary facilities, including general, infectious disease and other special hospitals and dispensaries, for the treatment of diseases and defects which cannot be

cared for properly in the home—the rates for these hospital and nursing services to be such as to bring them within the reach of all classes of people in need of them; laws and administrative machinery for the regulation of housing and industrial conditions; campaigns of popular education in the principles of hygiene and sanitation; laws, strictly enforced, prohibiting the marriage of persons suffering from communicable or hereditary disease or defect.

In addition there must be, for the most effective work, machinery for the collection and analysis of data regarding disease and death; and facilities for the chemical and bacteriological analysis of water, food and milk supplies and other possible sources of disease infection, as also of cultures and specimens from patients suspected of having infectious or other diseases identifiable through such analyses.

In this chapter we shall consider only those phases of this preventive machinery which ordinarily come under the jurisdiction of local health departments.

Illinois Conditions. Outside of Chicago and a few other communities little or no progress has been made in the establishment of this machinery. Only 248 of the eleven hundred health districts into which Illinois is divided have health officers, and of these only one hundred and sixty-nine are medically trained; only nine of these health districts have full-time health officers, practically all of these being in the larger cities; and only eleven districts have a public health nursing service. The appropriations for health and sanitation in 1913 ranged

from twenty-two to eighty-five cents per capita for towns and cities of more than 2,500 population, not counting Chicago. No appropriations at all are reported for rural communities, whatever public health service there is in these communities being rendered by township or county officials who devote practically all their time to other duties. Effective work in the prevention of disease cannot be had on expenditures so low.

Although much progress has been made in many sections of the state, particularly in the larger cities, in the fight against tuberculosis and venereal disease, and many hospitals and dispensaries have been established for the treatment of these diseases, Illinois' general hospital facilities are quite inadequate, being only 62 per cent as great, proportionately, as hospital facilities for the country as a whole.

The Health Insurance Commission, from whose report much of the data contained in this chapter are taken, says that this "inadequacy is most marked in the smaller towns and in rural communities. Yet hospitals are so supported, constructed and organized that their actual use by the community falls far short of their capacity."

Causes of Conditions. In the words of the Health Insurance Commission, "the two important reasons why local health administration in Illinois is generally weak are: 1) most of the health districts are too small and have too little taxable property to support an efficient service; 2) other matters have made a stronger appeal to the citizens and to those who have directed local affairs."

I would add another reason, the statement of

which seems to me to indicate the direction along which improvement is to be sought. This reason is that the primary responsibility for local health administration devolves on local officials, who in the rural communities are chiefly interested in other matters; and, further, that the powers of the State Department of Public Health are for the greater part investigative and advisory, and not administrative, in character.

Illinois stands, in this regard, in marked contrast with several states which determine through their departments of health, the qualifications of local health officers, and with other states in which the appointment of local health officers is vested in the state board of health, and with at least one state in which a great part of local health work is done by representatives of the state board of health.

"But in Illinois the Department of Public Health has no clearly defined authority in local health administration except in epidemics; it has nothing to do with the appointment or removal of local health officers except under the act of 1917 relating to the formation of a new type of public health district, where it is to hold examinations and certify a list of eligibles from which the health officer of any such district is to be selected." And in the opinion of the Health Insurance Commission, from whose report the preceding quotation is taken, the 1917 act referred to, which is permissive, not mandatory, is not likely to be effective in bringing about any considerable improvement in local health administration.

Measures Proposed. I can see only one prac-

ticable method of developing throughout the state the machinery for disease prevention which I have described. That method is to give the State Department of Public Health the authority and the necessary funds to establish state health districts covering the entire state, each of them large enough to furnish employment to a complete staff of trained public health workers, including an epidemiologist, a sanitary engineer, a staff of sanitary inspectors and a corps of public health nurses.

The department should also be given the authority and the funds to establish health centers and to develop or encourage the development of hospital and dispensary facilities in these districts, and to so fix the charges for the services offered by these institutions that they will be available to all classes of the population. There should also be organized in these districts campaigns of education designed to secure a proper utilization of these facilities and to teach the people generally the principles of hygiene and sanitation.

This is a far-reaching program, but in no other way that I can see will it be possible to make much headway in the prevention of that enormous waste of life and money from which the state suffers each year. It is futile to expect that the local communities of the state, excepting the larger cities, will develop such a program on their own initiative and on their own limited resources.

But in organizing this machinery the local community should be represented. This might be provided for by the appointment of district boards of health to act in an advisory capacity and to exercise

a certain supervision over the paid staff assigned to the given district. It is possible, too, that local districts should be required to assume part of the expense of the public health service in these several districts, the state bearing the rest.

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CHAPTER VI.

Labor Conditions.

Child Labor Laws. The purpose of child labor laws, as every one ought to know, is to guarantee to children their rights to normal physical development and to that measure of education which is requisite to good citizenship and industrial efficiency. To safeguard these rights, the best child labor laws fix age, educational and physical minimums for minors entering industry, and prescribe the methods of administering these laws, so that they may not be evaded.

There is a tendency to raise these minimum requirements in order to secure to the child a more thorough educational training, and a longer period of physical development free from the physical and nervous strain incident to industrial employment. There is a tendency also to throw special safeguards around those industries which are highly hazardous to the health or morals of minors who might be engaged therein.

The most authoritative standards for children entering employment are those adopted by the conference called in 1919 by the Children's Bureau of the United States Department of Labor, and these standards I am going to use as a test of our Illinois child labor law. We may assume that where our law falls short of the Children's Bureau standards, there is need of improvement, as there are no special

conditions in this state which make the adoption of these standards impracticable or undesirable.

Minimum Requirements. The Children's Bureau Conference laid down an age minimum of sixteen for the employment of children in any occupation, except that the employment of children between fourteen and sixteen in agriculture or domestic service during vacation periods was approved.

The Illinois law lays down an age minimum of fourteen, except that children under fourteen may be engaged in work of a harmless character during the summer vacation period.

Next in importance to the age minimum is the educational minimum, which is in the nature of an addition to the age minimum. The Children's Bureau standards call for the attendance of children between sixteen and eighteen at full-time schools unless they have completed the eighth grade or are regularly employed; and for the attendance of all children under eighteen either at a full-time school or a continuation school.

The Illinois law calls for the attendance of children between fourteen and sixteen at a full-time school unless they have completed the fifth grade; and under the provisions of the continuation school law enacted at the last session of the Legislature, all children in Illinois between the ages of fourteen and eighteen will be required, after 1923, to attend continuation schools, if not in attendance at a full-time school.

But under this law, school districts in which there are fewer than twenty children within these age limits will not be required to establish contin-

uation schools. This makes the law inapplicable to the great majority of our rural school districts, as comparatively few of them have that number of children between the ages of fourteen and eighteen.

The Children's Bureau standards call for a certification of physical fitness for children under eighteen entering any employment, and for the periodical medical examination of all working minors under that age.

The Illinois law requires a similar certificate for children under sixteen entering employment, but there is no requirement of a periodical examination for children who are working.

Hazardous Occupations for Minors. The Children's Bureau standards call for the exclusion of all minors from hazardous or dangerous occupations or from any work which retards their proper physical development, such employments including, among many others, night messenger service and the employment of girls as messengers for telegraph and messenger companies. A special age minimum of eighteen is laid down for employment in and about mines and quarries.

In Illinois there are a number of prohibited occupations for minors under sixteen, but no legal protection of minors above that age against hazardous or dangerous occupations.

This somewhat detailed comparison of our child labor law with the standards laid down by the Children's Bureau Conference will indicate needed amendments to the law which the Legislature should be asked to consider. Corresponding changes would be required in other laws relating to

the welfare of children, particularly the school attendance law and the mother's pension law.

Women's Hour Legislation. All disinterested students of labor conditions are agreed that the hours of women engaged in industrial occupations should be regulated by law. The working day should be limited to eight hours, and the working week to forty-eight hours, and preferably to forty-four. Moreover, overtime and night work should be strictly prohibited.

It is unnecessary to enter at length into the reasons for such regulation. The United States Supreme Court has upheld eight-hour laws for women on the ground that they are essential to the maintenance of the health of women workers and to the physical vigor of the race. A mass of evidence has been collected on the physical and moral dangers of industrial night work for women, and such work has now been prohibited in all the leading European countries. If the hours which women are allowed to work in industrial establishments should be limited by law, then the necessity for prohibiting overtime follows as a logical consequence.

Illinois is very backward in this regard, as industries regulated by the law are permitted to work women employes ten hours a day for seven days a week, if they so desire, and there is no restriction whatever for many occupations in which women are engaged; while eight states have an eight-hour law for women, and a larger number of states provide by statute for one day of rest in seven.

In only eight states are such long hours permitted by law as in Illinois. Overtime is not allowed

in our law, but this is less creditable than it may seem, as a normal working week of sixty hours is sanctioned by law, while a working week of seventy hours is made possible.

There are no prohibitions in our statutes against night work by women, although twelve states have outlawed such work in one or more occupations, and practically all the leading nations of Europe have enacted laws against it.

Minimum Wage Laws for Women. If the health of women and the physical vigor of the race are to be safeguarded, a living wage must be paid to women employed in industry. Thirteen American states now have such laws, and these have demonstrated their value as solutions of this problem. None of the gloomy predictions of those who opposed this legislation when it was first proposed have been realized. Minimum wage laws have not, in practice, established maximum wages beyond which it is difficult for workers to advance; they have not driven out industries which paid less than a living wage when these laws were enacted; nor have they operated to cause unemployment, except during short periods of readjustment after their enactment. There is no good reason, therefore, why Illinois should not afford the same sort of protection to its women workers.

Under the best minimum wage laws, a commission is appointed which is representative of employers, employes and the general public; this commission appoints wage boards to investigate conditions in particular industries and to recommend minimum wage rates therefor; and their rec-

ommendations are acted on by the commission. This permits the adjustment of wage rates in correspondence with changes in the prices of living necessities. There are usually provisions for the employment of apprentices and of the mentally or physically handicapped at less than the wage rates laid down by the commission. The best laws also provide for the fixing of minimum wage rates for children.

With such a law, and under suitable penalties, we should be able to protect all our woman and child wage-earners against the evils that come from excessively low wages, without at the same time working any hardship on employers. Wherever such laws have been enacted, they find their most enthusiastic friends among the employers as well as the employes who directly benefit by them.

Insecurity of Laborers. Industrial accident, sickness, unemployment and a penurious old age are evils which haunt all people dependent on their labor for a livelihood who have any foresight, and evils from which those who exercise foresight as well as those who do not are liable to suffer. These things probably produce more misery in modern society than all other causes put together, and impose a greater burden on public and private philanthropy.

One of the great constructive tasks confronting Illinois and other states is to make adequate provision for and against these evils, and to reduce as much as possible the misery which they represent. Most states have already made a beginning in dealing with these problems in a constructive manner,

but all of them, Illinois included, have still a long way to go before adequate provision is made. Let us see what has been done in this state to cope with these evils, and what further remains to be done.

Social Insurance the Remedy. The plan now accepted by experts the world over for dealing with these evils on their economic side is to provide adequate insurance against them, under the auspices of the state, for all people of small incomes, and particularly for the wage-earning group.

Experience has shown that the wage-earner acting alone cannot or will not provide himself with adequate insurance against these evils, except in a very small proportion of cases; but that adequate insurance can be provided through governmental agencies representing both the wage-earners themselves and also the employers and the general public. In other words, wage-earners in coöperation with employers and the general public are able to do what they are not able, or willing, to do when acting individually. It is a case where group action is far superior to individual action.

Through an application of the insurance principle the risks to which the wage-earner is subject are distributed over the whole group of wage-earners, and over industry at large, in just the same way that risks from fire, flood or tornado are distributed among a large group of people insured against these contingencies. The majority of wage earners do not earn enough to provide adequate insurance for themselves, and many of them do not have the foresight, even if they had the means, to insure themselves on their own initiative.

For all these reasons, so-called social insurance is the only means hitherto discovered of adequately protecting the wage-earner against the evils under consideration; and by far the best means, from the standpoint of the general public, of dealing with the distress caused by these evils. Moreover, social insurance provisions can be so administered as to lessen the extent of the evils (excepting old age) against which insurance is made, and it is far better, of course, to prevent such evils than to alleviate them.

Industrial Accidents. Workmen's compensation systems have now generally displaced, in this country, the old employers' liability laws, and for the reason that these laws were of uncertain benefit to the wage-earner and a source of risk and annoyance to the employer. Illinois has a fairly good workmen's compensation law, but many changes are required therein before all wage-earners in the state who meet with industrial accident can be promptly and adequately compensated therefor. We have space to consider only a few of the more important changes needed.

The best compensation laws provide compensation during the whole period of disability or dependency caused by accident, in proportion to the degree of disability and the number of people dependent on the person killed or disabled.

The Illinois law provides a flat compensation of four times the average annual earnings of the employé, in case of death or total incapacity, conditioned in the case of death on the dependency of wife, child or other relatives. This compensation

is paid in periodical installments extending over a period of eight years, providing the dependency or incapacity caused by the accident does not cease earlier. Under certain conditions compensation may be paid in a lump sum. There are minimum and maximum amounts below or above which the total amount of compensation must not go, except that such amounts are increased if more than one person is dependent on the wage-earner, or decreased in case the wage-earner had relatives other than wife or child who were but partially dependent on him. Also an employé totally and permanently disabled by industrial accident covered by the law may, after receiving compensation payments amounting to four times his former annual earnings, receive an annual pension of eight percent of this amount, or thirty-two percent of his former annual earnings.

Improvements Needed. It is obvious that dependency caused by industrial accident resulting in death may continue for a longer period than that provided for in our law, and the law should therefore be so amended as to provide for the full period of dependency so caused. It should also provide compensation greater than fifty percent of the disabled workman's earnings (or thirty-two percent after the first eight years), where there is total dependency caused by the accident. In the best laws, the disabled workman receives sixty-six and two-thirds percent of former wages during the entire period of disability, and if he is a minor at the time of accident, he receives, after reaching the age of 21, that percentage of the wages of able-bodied men

in the occupation group to which he belonged.

In case death results from the accident, and the wage earner leaves a widow, she receives, under the best laws, thirty-five percent of the amount of his former wages until her death or remarriage, with a lump sum on remarriage equal to two years' compensation. If he leaves one child but no widow, the percentage is twenty-five percent unless or until such child is eighteen; and if there is more than one dependent in his immediate family, there is an increase in the percentage of wages paid as compensation, equal to ten percent of former wages for each such additional dependent until a limit of sixty-six and two-thirds percent of former wages is reached. For parents, brothers, sisters, grandchildren and grandparents, who are wholly dependent, the scale of compensation is the same as for dependent children where the workman left no widow. There are lower rates of compensation where such relatives were only partially dependent on the earnings of a workman meeting with a fatal accident.

Compensation for partial disability follows the same general principles. In the standard law, compensation for partial disability is for the entire period of disability, while in Illinois compensation is paid for certain specified periods regardless of the length of time for which the disability continues. In both the Illinois and the standard laws the compensation for partial disability bears some proportion to the loss of earning power caused by the disability, but the correspondence is much closer in the standard law than in the Illinois law.

Scope of Law. Our compensation law in Illinois

covers only hazardous employments, or only about 55 percent of the wage-earners employed in the state. In this regard we come about midway between states such as New Mexico where the law covers only about 30 per cent of the wage-earning group, and New Jersey, where 99 percent are covered by the law. Sufficient progress has now been made in the development of machinery for insuring the employer against his compensation liability to justify the inclusion of all employments under the compensation law. The only exception which should be made is industrial establishments which engage only casual workers. But employments wherein regular as well as casual workers are engaged should be included, as the casual workers can be covered by the payment of small additional premiums.

One large group of industrial casualties which should be included either under the compensation law or under a separate sickness insurance act is the so-called occupational diseases, such as lead poisoning, caisson disease, etc. The Health Insurance Commission in its report two years ago recommended that a commission be created to study the problem of occupational diseases in Illinois, and the methods of compensating the losses caused thereby. Many diseases due in the last analysis to industrial conditions will have to be provided for under a sickness insurance act, as responsibility for them can rarely be fixed with sufficient definiteness to require particular industrial concerns to compensate therefor.

State Accident Fund. Another important im-

provement in our workmen's compensation system would be the establishment of a state insurance fund under the management of the Industrial Commission. Experience has shown that employers can insure themselves in a state fund for one-fourth to one-third less than in commercial companies or mutual associations. So great are the advantages of a state fund that some states have made them exclusive, by requiring all employers to insure therein against their compensation liability. A larger number of states have established competitive state funds, leaving it optional with employers whether they shall insure in such funds or in mutual or commercial companies.

Economic Provision for Sickness. Sickness unprovided for has caused many times the amount of misery that industrial accidents have caused, and has imposed a far greater burden on public and private philanthropy. There would seem, then, to be a more urgent need for economic provision for sickness among the wage-earning group than for industrial accidents. We have dealt with the latter problem first probably because accident is more spectacular and unexpected, certainly not because it constitutes a more serious evil.

Were all occupational diseases covered in the workman's compensation law, as has been proposed, only a fraction of the serious illnesses from which wage-earners suffer would be provided for. What seems to be needed is a system providing for all illnesses which mean loss of any considerable working time by the wage-earner. The principle of insurance, or the distribution of risks, is as applicable

to sickness as to industrial accidents, as the experience of private companies dealing in sickness insurance clearly demonstrates. But private insurance must be supplemented by state insurance, if adequate economic provision for sickness is to be made.

Losses From Sickness. The facts established by the Illinois Health Insurance Commission show very clearly the need for such insurance in this state. The commission estimated, on the basis of its investigations, that one-fifth of the wage-earners in this state lose wages of a week or more each year on account of sickness; that more than one-fifth of this number lose an average of 7.35 weeks' wages, and that many wage-earners lose much more than this; that less than twenty-five percent of the wage-earners in the state carry disability insurance; that only 13.4 percent of the wage-earners who are actually ill receive insurance benefits partially indemnifying them for the loss due to their illness; and that, taking the wage-earning group as a whole, the disability insurance received covers only six percent of the loss caused by disabling sickness of a week or more in duration.

The Health Insurance Commission's Proposals. Despite evidence so eloquent, the commission disagreed in its conclusions, the minority favoring a system of state sickness insurance, the majority going on record in opposition to such insurance. In my judgment, however, the minority report is far the abler document, something not unusual in the history of investigating commissions. Let us see if

that is not the conclusion to which the logic of the situation forces us.

The facts show clearly that economic provision for sickness among wage-earners in this state is woefully inadequate. This the majority itself was compelled to admit. Its unfavorable report was based on certain theoretical arguments rather than on the facts brought out by the commission's investigations. Let us see what these arguments are.

In the first place, said the majority, neither the employer nor the state is responsible for the wage-earner's illness, and neither should be required, therefore, to contribute to any fund from which sickness benefits are paid, as they would be if an insurance system were established in this state which followed the principles in operation elsewhere.

This argument, I venture to say, misses the point of the question under consideration. The employer and the state contribute to sickness insurance funds, not because they are guilty of the wage-earner's sickness and ought to be penalized for it, but because the employer and the state, and only they, have the machinery requisite to a satisfactory administration of sickness insurance provisions. It is expected that the employer will recoup himself for his increased operating expenses due to his contribution to the insurance fund, by charging a slightly higher price for his products; for that is what they have done, with the approval of all concerned, where sickness insurance systems are in operation. The state, in its turn, is compensated for its contribution to the fund by the greater happiness and

working efficiency of a large class of its citizens, and by a diminution of its expenditures for the relief of destitution due to illness.

Need for Sickness Insurance. The majority prophesied that more adequate provision for sickness will be made in the future by the wage-earner himself, as sickness insurance is growing in popularity, and the insurance companies themselves are urging it upon the wage-earning group. The experience of other countries gives no warrant for such a prophesy, as the movement for compulsory sickness insurance is rapidly growing, and state systems are now in operation in at least ten European countries.

Moreover, a majority of our wage-earners do not earn enough to permit them to provide adequate sickness insurance for themselves, as at least that proportion of wage-earners in the country at large, and probably also in Illinois, do not receive incomes large enough to maintain a bare subsistence standard of living, much less to make provision for the "rainy day" when incomes are cut off by sickness, accident or unemployment. Besides, there is lack of foresight in many cases, even when there is sufficient means, and this has the same result.

Another telling point against the majority report needs to be made. Many wage-earners present too high a risk, considered from the actuarial standpoint, for private companies to provide them with insurance; and yet it is just these wage-earners who need sickness insurance most. For they are more liable to disabling sickness than is the average wage-earner, and they are more apt to belong to

the lower income-groups which have little or no margin for savings or insurance. All this group could and would be provided for under a state system of sickness insurance.

Moral Considerations. The majority of the commission also opined that state sickness insurance would undermine the wage-earner's independence, and make him less self-reliant in providing for himself. A sufficient reply to this contention would be to point out that the wage-earner in the past, for all his independence, has not been able or willing to make adequate economic provision for sickness, and that so far as we can judge he is not likely to do so in the future. But the best refutation of this claim is to point out that, under state insurance, it is not others who are making provision for the wage-earner, but it is the wage-earner himself, in coöperation with others who provide him the necessary machinery. Wage-earners will simply be doing something as a group which they are not able to do as individuals.

Another contention of the majority report is that a state insurance system would, on account of the large funds involved, be peculiarly susceptible to political control and management. This is an argument which has been advanced against every proposed extension of governmental functions, and it is an argument which experience has discredited over and over again. The administration of sickness insurance provisions can in all probability be made as independent of partisan politics as can the public schools.

For it is not proposed to establish a large central

fund to cover the sickness liability of all wage-earners in the state, but to create for this purpose mutual local funds which shall be jointly managed by employers and employés under public supervision. So far as I can see, there would be no particular reason why partison politics should be intruded into the administration of such funds.

Finally, the majority of the commission is not consistent with itself, as it recommends that the county tuberculosis act be so amended as to provide for payments to wage-earners under treatment in the county tuberculosis sanatoria, and it further recommends that occupational diseases be compensated for by the employer. These are genuine sickness insurance provisions, although of a special character, and there is no logic in stopping with them and leave other types of illness just as serious in their consequences unprovided for.

Specific Provisions of Sickness Insurance Acts. Under the usual provisions of sickness insurance systems, there is compulsory insurance for wage-earners whose incomes are less than a stated amount, and voluntary insurance for wage-earners and others who receive more than this amount; the cost of the insurance is borne by the employer, the employé and the state, each contributing a proportion laid down in the law; the insurance benefits include a cash payment, generally from 50 to 60 percent of the weekly wage, during the period of disability, with a limit of twenty-six weeks' payment altogether; medical and hospital care is usually provided as well as special maternity benefits for

working women and for the wives of insured wage-earners.

Disability due to chronic invalidity or to acute illness of prolonged duration is compensated for under special provisions in the sickness insurance act or under a pension or insurance system for old age and invalidity.

The institution of such a system in Illinois would do much to allay misery and discontent among the wage-earning classes in the state; it would give them a more hopeful outlook on the future, and, far from undermining the independence of the wage-earner, it would by increasing his economic security make him more self-reliant than before.

Unemployment Insurance. Although unemployment insurance is of more recent origin than insurance against accident and disease, exactly the same considerations apply in the one case as in the others. Wage-earners have not been able in the past to make adequate provision for unemployment, as they have not enough margin for sufficient savings, and private commercial companies do not of course insure for unemployment. England now has a state system of unemployment insurance, and experience with the operation of this system has been quite favorable.

Unemployment insurance can be so administered as to reduce labor turnover, whether due to defective methods of the employer or to irresponsibility on the part of the employé. By operating the system in connection with the state employment exchanges, as is done in England, "soldiering" on the

part of the employé is reduced to a minimum. The general features of the system are similar to those of the sickness insurance system. The development of this form of insurance in the United States would do much to alleviate the distress experienced during periods of industrial depression such as we are now going through.

Other Remedies for Unemployment. Compulsory insurance alone will not, of course, constitute a complete remedy for the evil of unemployment. Such insurance can be administered, as aforesaid, so as to reduce the labor turnover. This is done by reducing the contributions to the unemployment fund of employers who can show a small labor turnover, and of employés who have a record of steadiness in their jobs.

But other measures are needed. Our own admirable system of state employment offices should be developed and extended. Our rehabilitation service for industrial cripples which was recently initiated ought to receive the most generous support.

Experts on the problem of unemployment are now pretty generally agreed that the state should so plan its engineering and other enterprises as to take up as much as possible of the slack in employment during periods of industrial depression; and that it should be specially active during such periods in placing orders for necessary supplies, in order to stimulate the resumption of industrial activity. All these are proposals worthy of the most serious consideration by the Legislature and by others interested in this problem. And they are

deserving of special consideration at the present time.

Other agencies must assist in the solution of the problem. The Federal Employment Service developed during war time, and allowed to fall into neglect after the armistice, should be reëstablished.

Employers must do their part by making a more careful study of the market and planning their operations so as to offer steady employment the year through. Seasonal industries should be dovetailed together in some way, and employers might well take the lead in a movement to bring this about.

With all these measures, including unemployment insurance, put into operation, the amount of unemployment would be greatly reduced, and where there was unemployment it would be provided for.

Old Age. More adequate provision for old age is also needed. Approximately 1,250,000 people in the United States who are sixty-five years of age or over are dependent on public or private charity. It has been estimated that one wage earner in eighteen reaches that age in penury. Savings and voluntary insurance have been found to be as inadequate here as in the case of accident, sickness and unemployment. It is only a question of time until the problem will be pressed on our attention so insistently that we shall be compelled to do something about it. Alaska and Arizona have already taken up the problem and provided old age pensions, while a certain amount of encouragement and assistance are offered to wage-earners to insure themselves by the states of Wisconsin and Massachusetts. Old age pensions are now provided in

Great Britain, France, Australia, New Zealand and other countries, while Germany and some other countries have compulsory systems of insurance for old age.

Enforcement of Labor Laws. Illinois has developed an enlightened code of laws for the regulation of labor conditions in factories, workshops and other places of employment, and it has established in the Division of Factory Inspection of the Department of Labor an elaborate machinery for the enforcement of these laws. These achievements are to the lasting credit of the state, for they attest an enlightened interest on the part of our legislators and political leaders in the welfare of the wage-earning class.

These laws and this administrative machinery could be criticised in certain details, and the needs for improvement therein pointed out. We have already offered suggestions for the amendment of the workmen's compensation law, the child labor law and the women's ten hour law; and have attempted to demonstrate the need for a health insurance act and for a better economic provision, under the auspices of the state, for unemployment and old age. We could point out needed amendments in the health, safety and comfort law, the occupational disease law and in laws regulating special kinds of employments, such as the structural law, the garment law, etc.

The occupational disease law, for example, should be so amended as to bring under the provisions of this law factories using certain poisonous and dangerous substances not now specified in the

law. Moreover, all physicians should be required to report to the Department of Labor diseases which in their opinion are due to the occupations in which their patients are engaged. These and other changes which should be made would enlarge the scope of the law, and make it possible for the state better to protect the health and lives of wage-earners engaged in occupations specially hazardous to health.

Defective Administrative Machinery. But the adoption of any number of changes such as these, however desirable they may be in themselves, would be of small importance compared with a far-reaching improvement which needs to be made in our machinery for the enforcement of labor laws. We have not in the past given as much attention to the enforcement of new laws as we have to their enactment, and the next great step in the improvement of labor conditions in this state is to devise better machinery for the enforcement of labor laws.

This change is made necessary by the increasing complexity of labor conditions, and by the many important changes in industrial processes which occur during the intervals between legislative sessions. Neither the Legislature nor the general public is qualified on account of this complexity and this constant change, to lay down or recommend detailed rules for safeguarding the health and lives of industrial workers.

This has made it necessary for factory inspectors to make their own interpretations of the rather general laws enacted by the Legislature, and so has put a good deal of authority in their hands. Employers are not always willing to accept the in-

terpretations and orders of these inspectors, and this leads to difficulty and delay in the provision of really reasonable safeguards for workers supposed to be protected by the law. Moreover, the Division of Factory Inspection is often powerless to deal with conditions needing remedy because, owing to the difficulties cited above, the Legislature has enacted no laws to cover them.

New Industrial Commission Proposed. This situation has been met in other states by the establishment of industrial commissions with broad powers of investigation and administration similar to powers exercised by the Interstate Commerce Commission and by public utilities commissions.

The function of these industrial commissions is twofold: 1) It coördinates and supervises the activities of all bureaus and divisions of the state government that have to do with the regulation of labor conditions and with the relations between employers and employés. 2) It lays down, under the authority of general laws enacted by the Legislature, detailed regulations for safeguarding the lives, health and safety of industrial workers.

With the enactment of the civil administrative code in 1917 the State of Illinois went far to provide for the first of these functions. With the exception of laws regulating conditions in mines all laws relating to labor conditions in this state are administered by the Department of Labor. Some further changes are needed, however, before we can be said to have the best type of administrative organization for the enforcement of laws pertaining to industrial relationships. I shall indicate only the more im-

portant changes that seem to be needed.

Coördination of Machinery Incomplete. We may perhaps leave it an open question whether laws regulating conditions in the mines of the state should not be administered by the same department as other laws pertaining to industrial conditions. My own opinion is that one department properly organized could administer all our labor laws better than could two separate departments.

The Department of Labor now exercises certain administrative functions relating to all classes of labor in the state, such as the administration of the workmen's compensation law and the arbitration and conciliation acts, and I can see no reason why under a reorganized department, such as I shall propose presently, all labor laws should not be administered by a single labor department.

Indeed, there would be a demonstrable advantage in such a unification of our administrative machinery for dealing with industrial conditions, for the same sort of detailed regulations are needed for the safeguarding of workers in the mines as in other employments, and a single industrial commission could be made responsible for the formulation of such regulations for the mines as for other classes of industrial establishments.

Another basic change needed in the organization of the Department of Labor is the substitution of a commission of three or five members for the department director, and delegation to this commission of responsibility for all divisions of the department's activity. Now, although many administrative bureaus and commissions are grouped in the

Department of Labor which were formerly independent, it is doubtful if there is a much closer coördination and unification of their activities than before. An industrial commission would be given a good deal of discretionary or quasi-legislative power in dealing with all the functions now coming within the Department of Labor, and this would necessarily lead to a close coördination of all these functions.

To avoid possible misapprehension, it should be pointed out that the existing Industrial Commission in this state is only a division of the Department of Labor, and is not an industrial commission of the type I have described. The present commission administers only the workmen's compensation law and the arbitration and conciliation acts whereas we should have a commission responsible for the administration of all our labor laws, including those administered by the present commission.

Work of Industrial Commission. The most distinctive feature of the work of an industrial commission is its formulation and enforcement of detailed regulations for safeguarding the health and safety of industrial workers and for promoting their welfare in other ways. Being a small body, and meeting continuously, it is well qualified, as the Legislature is not, to work out the details of labor legislation and to prescribe new protective measures made necessary by the constant changes in industrial processes.

The industrial commission is not, however, a lawmaking body and could not be such under our system of government. It operates under general

laws enacted by the Legislature, formulating, issuing and enforcing detailed rules requisite to the accomplishment of the purposes which the Legislature had in mind in the enactment of these laws.

For example, the Legislature enacts a law that factories and other places of employment shall be reasonably safe, defining the term "safe" to mean "such freedom from danger to the life, health or safety of employés as the nature of the employment will reasonably permit." The industrial commission then determines on the basis of its own investigation what safeguards are necessary in the case of any particular class of industrial establishments to make them safe in this sense. It orders the installation of such safeguards.

In considering what safeguards are needed the commission is assisted by sanitary and other experts, is counselled by joint committees of employers and employés concerned in such safeguards, issues tentative rules applying to particular classes of industrial establishments, holds public hearings when any one interested may be heard with reference to these rules, and then issues final orders binding on all those coming within the purview of the regulations in question. There is provision for a court review of the commission's orders in case employers consider them unfair. This privilege is so restricted, however, as not to defeat or delay the provision of reasonable safeguards in factories and other industrial establishments.

This scheme of administering labor laws has worked out with great satisfaction in Wisconsin, New York and Pennsylvania, and it is only a ques-

tion of time until other great industrial states, including Illinois, will adopt the same scheme. It gives both employers and employés a more direct voice in the regulation of labor conditions and assures the public that machinery exists for the prompt consideration and remedy of any unsatisfactory conditions that may arise in the course of industrial development.

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CHAPTER VII.

Housing Problems.

Every state in the Union has a housing problem, or rather a number of housing problems; and these problems are particularly serious in states like Illinois which have large industrial populations living in houses rented for profit by their owners.

The housing problem has been officially recognized in this state by the Legislature, which at its 1919 session authorized the appointment of a housing and building commission to inquire into housing conditions in the state and to recommend remedial legislation for conditions found to be unsatisfactory.

This commission has prepared and published a tentative draft of a housing bill. As this bill will in all probability serve as a point of departure for legislative consideration of the problems involved, it behooves all who are interested in these problems to familiarize themselves with this bill and to offer whatever constructive criticisms thereof the nature of the housing problem seems to warrant.

Aim of Housing Legislation. The aim of housing legislation is to secure or promote the provision of sanitary and comfortable dwelling places for all classes of the population, irrespective of the incomes at their disposal, or the amounts they can afford to pay rent.

This has been accomplished or at least attempted in the past, in this country, through the enactment

and enforcement of laws and ordinances applying to all classes of houses in which people dwell, or to certain specified classes thereof, such as tenement or multiple houses accommodating two or more families.

The standards applied to new dwellings of the type covered by these laws and ordinances are usually considerably higher than standards applied to houses existing at the time such laws or ordinances go into effect, although good legislation on the subject lays down minimum standards for old houses as well as for houses erected after the legal regulation of housing condition is undertaken.

Conditions In Illinois. A number of studies have been made of housing conditions in Chicago and other communities in Illinois, and these have shown, without exception, the existence of conditions which constitute a menace to the lives, health and morality of the people subjected to these conditions.

The survey of housing conditions in Chicago made by the Chicago Health Department in 1917, in connection with its tuberculosis study, showed that a considerable portion of the dwelling houses in the congested sections of that city were unsatisfactory in the matter of lighting, ventilation, plumbing and general cleanliness, and that there was a good deal of overcrowding in many parts of the city.

Dr. Emery R. Hayhurst in a report to the Health Insurance Commission published in 1919 asserted that the great majority of mining towns presented a housing problem. "The typical mining town," he

reported, "consists of rows of dingy houses, all built after one or two patterns, often located on hillsides, with rows of privies located close to wells or draining toward the wells on the next street. Often small ditches of water act as open sewers, and seldom is any provision made for the disposal of garbage."

The Springfield Survey, which was published in 1918, showed that city to have a housing problem, and my own investigations in Rockford have revealed serious housing problems in this city, although a beginning has been made here in the regulation of housing conditions. Investigation in any industrial center in the State would undoubtedly reveal similar conditions. Even rural districts are not without their housing problems, oftentimes of a serious nature.

Method of Improvement. The only practicable way hitherto discovered of dealing with unsanitary housing conditions has been the enforcement of wise laws laying down certain minimum standards of sanitation beneath which no dwelling place in the community is allowed to fall. A number of states now have such housing laws, including Michigan, Minnesota, Iowa and several others, while a larger number of cities have adopted housing ordinances in advance of general state legislation on the subject. A few cities in Illinois have adopted such ordinances, some of them embodying fairly high standards of sanitation and convenience for the classes of dwellings covered.

The most authoritative set of housing standards for this country is that known as "A Model Hous-

ing Law," which was drafted by Mr. Lawrence Veiller, director of the National Housing Association and our leading authority on housing problems. These standards are by no means ideal, in the derogatory sense of that term, but are based on an experience in practical housing reform extending over many years. They are embodied in the housing laws of the states mentioned above and in the housing ordinances of a number of cities. They are none too high for any state or city in the country, with the exception of New York City and possibly one or two other large cities. They are, in fact, not as high as communities which do not have exorbitant land values should adopt and enforce. These standards are certainly not too high for the state of Illinois, with the possible exception of Chicago.

The standards of the Model Law I am going to use as a criterion of the validity of the housing bill proposed by the Illinois Housing and Building Commission. It will be possible, on account of limited space, to compare only some of the more important provisions of the bill with the standards of the Model Law.

Criticism of Housing Bill. As recommended in the Model Law, the law proposed for Illinois is to be made mandatory on cities, villages and towns having more than a certain specified population—5,000 being the number specified in the housing bill. This feature of the bill is to be commended, as a permissive bill would have a moral effect only, and that is not the primary purpose of serious legislation on any subject.

Both the housing bill and the Model Law divides

dwellings into three classes: a) Private dwellings, b) two-family dwellings, and c) multiple dwellings. The last named class is subdivided into dwellings which are occupied more or less permanently by several families, including tenement houses, flats, apartment houses, etc.; and into dwellings which are occupied as a rule transiently, such as hotels, lodging houses, club houses, etc. I shall largely confine my attention to the first subdivision of class c) as presenting the more difficult conditions to deal with and as being fairly typical, in the problems presented, of the other classes of dwellings distinguished.

Light and Ventilation. Adequate light and ventilation in dwelling houses are secured through provisions regulating the height of dwellings, the percentage of the lot occupied, the dimensions of yards and courts, size and location of windows, floor area and height of rooms, etc.

The Model Law specifies a maximum height of dwellings equal to the width of the widest street upon which it abuts; the housing bill specifies a maximum of one and one-half times that amount. Both the Model Law and the housing bill, however, specify an absolute maximum height for dwellings, of eighty feet. The maximum relative to width of street, to be specified in our law, should conform to the standard in the Model Law.

Both the Model Law and the housing bill specify eighty-five percent as the portion of the lot which dwellings on corner lots may occupy, or ninety percent when the lot is bounded on three sides by streets or alleys. But the housing bill specifies a

flat ratio of seventy-five percent of the lot for houses on inside lots, while the Model Law specifies a percentage varying from 40 to 70 percent, depending on the depth of the lot. The Model Law embodies the better standard.

The specifications for rear yards are rather technical and detailed, but a rough comparison may be made. The housing bill specifies an area for rear yards of eight percent of the lot area, in the case of corner lots, and ten percent in the case of inside lots. The corresponding specifications in the Model Law call for rear yards of approximately ten percent of the lot area for dwellings one story high, with five percent additional for each story more than one story, with a slight concession in the case of dwellings on corner lots.

The specifications for courts are even more complicated, and I shall have to content myself with saying that the Model Law embodies, as in the case of rear yards, the higher standards, except in the case of one and two-story dwellings, where the provisions of the housing bill are the more generous.

The Model Law specifies a window area for habitable rooms of one-seventh the floor area of such rooms, while the housing bill specifies a window area of only one-tenth the floor area, with the Model Law and the housing bill specifying absolute minimums for the window area of any habitable room, of twelve and ten square feet respectively.

The Model Law specifies a minimum floor area for habitable rooms of ninety square feet, with the requirement that at least one room in each apartment shall contain not less than one hundred and

fifty square feet of floor area. The corresponding specifications in the housing bill are eighty and one hundred and twenty square feet respectively. The Model Law specifies, in addition, that no habitable room shall be less than seven feet wide in any part, but there is no corresponding provision in the housing bill.

The provisions relating to air intakes for courts and to the lighting and ventilation of public halls are practically the same in the housing bill as in the Model Law.

The provisions relative to the ventilation and lighting of water closet compartments are practically the same in the two cases, both requiring a window or windows having a specified minimum area and opening directly upon a street, alley, yard or court. There is, however, a very serious exception in the housing bill which should be eliminated if this bill is to serve as the basis of a housing law. This permits the substitution of a system of mechanical ventilation for windows opening to the outer air. Such a concession would undoubtedly be abused, and would go far to invalidate the sections of the law dealing with this matter. At the most, such a concession should apply only to hotels and other public buildings, not to private dwellings.

Sanitation. Both the housing bill and the Model Law prohibit the occupancy of cellar rooms for living purposes, and they both impose about the same restrictions and regulations on basements occupied as dwellings. They also agree quite closely as to their requirements relative to water closet facilities for old and new dwellings.

The housing bill, however, while requiring new multiple dwellings to be connected with the public water supply, where there is such, permits the erection of such buildings in communities which have no such supply. The Model Law has no such provision, as it is believed that a community which has not advanced to the point where a public water supply has been provided has not reached the stage where multiple dwelling houses should be allowed. Experience has shown that the satisfactory disposal of sewage and waste is virtually impossible in multiple houses if there is no public water system.

The Model Law provides that no room in any dwelling shall be so occupied that there shall be less than six hundred cubic feet of air for each person over twelve years of age or less than four hundred cubic feet for persons under twelve. The corresponding figures in the housing bill are four hundred and two hundred cubic feet respectively.

Other Provisions. The provisions in the housing bill relative to fire protection seem adequate, with one serious exception. Multiple dwellings three stories in height or less may be of wooden construction, under these provisions, whereas wooden tenements (multiple dwellings) are not allowed under the Model Law. There is another difference of lesser importance. By the Model Law all new multiple dwellings more than three stories in height must be of fireproof construction, while under the housing bill only houses more than five stories in height must be of fireproof construction. However, multiple houses four and five stories in height

must, under the provisions of the housing bill, be of slow burning or fireproof construction.

The enforcement provisions of the housing bill are on the whole quite adequate. One serious exception may be noted. Building and health departments are required to inspect annually multiple dwellings over three stories in height, and are given authority to inspect all other dwellings. Annual inspections should be required for all multiple and two-family dwellings without exception, since just as serious conditions may arise in multiple dwellings three stories in height or less, and in two-family dwellings, as in multiple dwellings more than three stories in height. Moreover, inspections of multiple dwellings should be permitted as often as may be thought necessary.

Problem of Chicago. I am not prepared to say whether a housing measure based on the Model Law should apply to Chicago as well as to other cities in the state. Many students of the Chicago situation think that it should, but certain real estate interests in that city are opposed to the enactment of such a law, if it is to apply to them, and since these interests are admittedly very powerful it might facilitate the passage of a bill based on the Model Law if Chicago were exempted from its provisions.

There can be no question that the standards embodied in the Model Law are none too high for other communities in the state, and some adjustment should be made whereby these communities will have the benefit of a measure based on the Model Law. Perhaps a special housing law should

be enacted for Chicago, and another general law enacted, approximating the standards of the Model Law, to apply to the rest of the state. That I prefer to leave an open question.

Constructive Housing. The enactment and enforcement of laws such as we have been considering will not solve all our housing problems. There is now an acute housing shortage in most cities in this country, and it is somewhat doubtful whether private enterprise will be able to make good this deficiency. Housing laws necessarily make building more expensive, and it becomes difficult, if not impracticable, for builders and real estate operators to supply standard housing to unskilled wage-earners and others with very low incomes at rentals they can afford. This is not in any sense an excuse for failure to enact housing laws such as we have discussed, but it may make necessary the adoption of special measures designed to supply the deficiency created by this and other factors.

Other countries have had to deal with this problem already, and various methods have been tried in efforts to provide a solution. The most satisfactory method seems to be for the government to establish a reasonably large fund from which loans are made, under proper guarantees and at low interest rates, to municipalities, limited-dividend companies, responsible civic organizations and individual wage-earners wishing to erect houses of approved standards for sale or purchase on easy terms, or for renting at rates within the reach of the lower income groups.

Many students of the housing situation in this

country believe that the federal government should establish such a fund to be loaned to the several states (in proportion to funds supplied by themselves), and through the states to local governmental bodies, which, in turn, would either engage in the business of supplying cheap housing at cost, or would make loans to non-commercial companies or associations which would undertake to do the same thing; and to wage-earners desiring to possess their own homes. There is no reason, however, why a state like Illinois should not take the initiative in this matter, and supply loans to local communities suffering from a housing shortage and willing to undertake the responsibility for supplying it.

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CHAPTER VIII.

Local Government.

Many of the social and industrial problems confronting the State of Illinois are complicated by an outworn system of local government. In considering these problems we have suggested changes in local government deemed requisite to their solution. In the present chapter we shall review these suggestions and touch upon certain governmental problems not hitherto considered by us.

Extreme Decentralization in State Government. We have shown again and again that local governments as at present constituted in Illinois are not fitted to deal with the complex social problems now demanding attention from the people of the state.

We saw that the rural schools in the state have not progressed as rapidly as they should have because the unit of school administration is the school district, an administrative area which is altogether too small for school purposes.

For a similar reason machinery for the prevention of preventable disease and the conservation of physical vitality is practically non-existent in the rural sections of the state.

Housing conditions are in many cities of the state very unsatisfactory, because the regulation of housing enterprise has been left to the local community without guidance from the state itself.

Mothers' pensions are generally inadequate in

amount and often poorly administered, whereas with a certain amount of supervision and standardization from state agencies a generous and enlightened provision would have been made for the pensioned mother. Juvenile probation and other phases of child-helping work are likewise suffering for the lack of state coöperation and oversight.

The majority of our county jails are unsanitary and generally unsatisfactory, while a not inconsiderable number have been adjudged unfit for human habitation. Local officials have shown that they cannot be depended on to provide decent and sanitary jail facilities for petty offenders and accused persons awaiting trial.

Adult probation has not been developed as it should have been, owing to the same lack of any general state supervision over probation officers.

On the other hand, just those problems are being fairly well dealt with for which the state has made itself directly responsible. I refer particularly to problems involved in the development of an enlightened system of dealing with serious offenders against the law, to the problems presented by our large feebleminded population, and to problems incident to labor conditions and industrial relationships.

I do not at all mean to imply that there are not serious problems in all these fields which have not been dealt with adequately. Our own discussion has emphasized many such problems. But more progress has been made in dealing with these groups of problems, and there is a prospect of greater progress in dealing with them in the future,

than in the case of problems which are dealt with primarily by the local community.

Defective Organization of Local Government. Not only is there too much decentralization in governmental activities in Illinois, but local government itself is not well organized. I refer particularly to the existence of a number of independent governmental bodies in the same community, functioning without much reference to one another. We may have in the same territory a county government, a township government, a city or village government, a school district, a high school district, a park district, a sanitary district and a library district, not to mention courts and road districts.

Efficient local government cannot be expected under such conditions, because there is no satisfactory way of coördinating the activities of these independent governmental bodies, and because offices are needlessly multiplied, making it difficult for the voter intelligently to select so great a number of officials and to scrutinize their work.

A closely related evil is the existence of a number of independent taxing authorities, each of which may cause taxes to be assessed up to a certain specified maximum rate, irrespective of the fiscal needs of other governmental bodies. It often happens that more money is needed for a particular purpose than the maximum rate specified will yield, while the maximum rate allowed for other purposes would yield more than is needed.

Again, there are specified maximum rates for particular functions under the same jurisdiction, as, for example, rates for sewerage facilities, water

fund, lighting, etc., which city or village authorities may cause to be assessed.

One gets the impression from a survey of existing conditions, of a jealous and suspicious legislative authority fearful of giving power to the local community, and, in order to keep local communities from doing too much harm, setting up a great number of independent governmental units and specifying in detail the things they may and may not undertake to do.

But strangely enough, after this has been done, these local governmental bodies are left practically to their own devices, with little or no help and guidance from the state itself. The Legislature breaks up local government into small fragments, so to speak, and makes but little effort to put them together again.

Program of Reform. Probably no program for correcting this state of affairs would meet with general acceptance, at least for a long time to come. But I am going to suggest some general principles which it seems to me should be followed in the adjustment of relationships between state and local government.

First, there should be a more organic relationship between the state government and local governmental institutions. And, in my judgment, this relationship should be administrative as well as legislative in character. Let me illustrate what I mean.

We saw that if adequate machinery for the prevention of preventable disease is to be set up and to function satisfactorily throughout the state,

some central authority must be given the responsibility for establishing this machinery. Local communities have had enough legislative authority to do this for themselves, had that been all that was necessary, but, excepting in the larger cities, they have done very little to develop the machinery needed. The problem is primarily an administrative problem, and must be dealt with as such. It is for this reason that we have advocated making the State Department of Public Health responsible for the development of public health machinery throughout the state. This does not mean, as we pointed out, that the local community would be deprived of all initiative and relieved of all financial responsibility in public health matters.

A similar analysis was made of the educational problem. We concluded that the unit of local school administration should be the county instead of the school district, and that the State Superintendent of Public Instruction should be given a good deal of authority to develop and standardize the public schools of the state, especially in the rural districts. We arrived at similar conclusions regarding the regulation of housing conditions, the care of dependent children, and the maintenance of local jails.

In a word, there must be more authority given to state administrative agencies in all these fields, although every effort should be made to develop and utilize local interest and initiative in the treatment of the problems under consideration.

The second general principle to be followed in the improvement of local government in Illinois is

that of unification. We should abolish the many independent governmental bodies functioning in the same territory, and substitute for them a general government exercising the same powers, but subject to that administrative control or oversight from state agencies of which we have spoken.

Unit of Local Government. I believe that the county should be made the unit of local government under such a scheme, because the township is scarcely large enough in rural sections, with their comparatively small populations, to make possible the needed specialization in public health work, child helping activities, school administration and the like. There would be no objection to the retention of township organization, however, provided it was made subsidiary to county organization.

City and village governments would, of course, not be superseded by county governments of the type indicated; and they should probably be less subject to control by the state than the county governments would be.

Provision should be made, however, for cities and villages which wished to do so, to merge school, park and library districts with the general municipal government. With the growth of the city planning movement it is highly desirable that the schools and parks should be organically related, on the administrative side, with other community interests. There should, of course, be adequate safeguards against the injection of partisan politics in the administration of our school and park systems.

The scheme here outlined does not imply that

the influence exerted by the state government in local community interests would be equally great in all directions. In many cases the state government would exercise little if any more control than it does at the present time.

That would be true, I should say, of park and playground matters, and of other groups of activities in which local communities display sufficient energy and initiative to assure efficient service. In other cases—for example, in the development of public health machinery, the state government should have a good deal more authority than it has enjoyed in the past.

These are only examples. The general method of determining the relationship between the state and the local community would be to leave to the local community as much initiative and authority, in particular fields, as experience had shown to be feasible, and, on the other hand, to delegate to the state itself greater authority in regard to those matters which the local community had shown itself poorly fitted to deal with.

As I have already intimated, with this unification of local governmental institutions should go a pooling of taxing and borrowing powers, so that local authorities themselves would determine the distribution of revenue among the various activities for which they were responsible, subject to such ad-

ministrative control by the state as might be provided for under the new order of things.

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